

# Court of Appeals, State of Michigan

## ORDER

University of Michigan Regents v Farm Bureau Mutual Insurance  
Company of Michigan

Docket No. 356247

LC No. 19-000390-NF

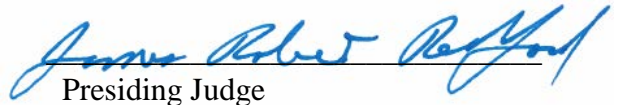
James Robert Redford  
Presiding Judge

David H. Sawyer

Jane M. Beckering  
Judges

The motion for stay pending appeal is DENIED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the November 20, 2020 order quashing the subpoenas is VACATED, and this matter is REMANDED to the Washtenaw Circuit Court for entry of an order directing Review Works to produce the requested contract subject to a protective order, terms of which are to be set by the circuit court. “A plaintiff seeking payment of no-fault benefits ‘bears the burden of proving both the reasonableness and the customariness’” of the provider’s medical charges. *Spectrum Health Hospitals v Farm Bureau Ins Co of MI*, \_\_\_ Mich App \_\_\_, \_\_\_; \_\_\_ NW2d \_\_\_ (2020). The question whether plaintiff’s charges are reasonable and customary remains at issue in the proceedings below. This Court has ruled that the amount third parties pay for products or services is a relevant factor to be considered when deciding whether a charge for those goods or services is reasonable. *Id.* If what third parties pay for products or services is relevant to a determination of reasonableness, then a contract establishing or refuting Farm Bureau’s obligation to pay Confinity discounted pricing likewise is relevant to the issue of reasonableness. There nothing inherently unreasonable or oppressive about producing such a contract, especially if the contract produced is subject to a protective order. For these reasons, the circuit court erroneously found the requested contract to be irrelevant and, thus, erroneously quashed the subpoenas. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.

  
Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 6, 2021

Date

  
Chief Clerk